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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

OCT 17 2014

In Association with  
Peter J. Horton S.B. No. 227678  
**THE HORTON LAW GROUP**  
30700 Russell Ranch Road Suite 250  
Westlake Village, California 91362

BY Tawny Martin Del Campo  
TAWNY MARTIN DEL CAMPO, DEPUTY

Attorneys for Plaintiff,  
SOCHILT MARTINEZ



**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF SAN BERNARDINO**

SOCHILT MARTINEZ,

Plaintiff,

v.

CITY OF SAN BERNARDINO; and DOES  
1-100, inclusive,

Defendants.

CASE NO: CIVDS1415690

**COMPLAINT FOR DAMAGES AND  
DEMAND FOR JURY TRIAL**

1. Harassment/Hostile Work Environment.
2. Discrimination
3. FEHA Retaliation
4. Violation of POBRA
5. Failure to Take Corrective Action

**GENERAL ALLEGATIONS**

COMES NOW PLAINTIFF SOCHILT MARTINEZ (hereafter "PLAINTIFF" or "MARTINEZ")  
who demands a jury trial, and seeks monetary compensation against all of the Defendants, as follows:

**GENERAL ALLEGATIONS**

1. Plaintiff MARTINEZ was, at all times applicable, a resident of the County of San Bernardino in the State of California.
2. Defendants CITY OF SAN BERNARDINO and DOES 1 - 30 (hereinafter collectively referred to as "CITY") are Municipalities, employers, or had some other agency, joint venture, partnership,

management, directorship, or employment type of relationship with plaintiff and the other defendants (whether named herein or designated as Does.)

3. Defendants DOES 31 - 60, and each of them, were directors, managers, supervisors, council members, or otherwise employed by defendant CITY, or other entities designated herein as a DOE. Said defendants are hereinafter collectively referred to as "defendants" or as part of defendant "CITY."

4. Each of the individual Defendants were in managerial positions, supervisorial positions or otherwise in charge of Plaintiff or in some other manner able to control the terms and conditions of plaintiff's employment.

5. CITY is a City within the County of San Bernardino.

6. The true names or capacities, whether individual, corporate, associate or otherwise, of defendants DOES 1 through 100, inclusive, are unknown to plaintiff and therefore plaintiff sues these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and based thereon alleges that each of these fictitiously named defendants is responsible in some manner for the occurrences herein alleged, and that plaintiff's damages as herein alleged were proximately (legally) caused by their conduct.

7. Plaintiff is informed and believes and thereon alleges that each of the defendants, including the fictitiously named defendants, was the agent and employee of each of the remaining defendants, and in doing some of the things hereinafter alleged, was acting within the scope and course of such agency or employment so that each defendant is vicariously responsible for the other defendants. Plaintiff further alleges that defendants and each of them acted in concert with one another to cause harm (either negligently, recklessly or intentionally) to plaintiff and did cause harm to plaintiff. Plaintiff further alleges that the acts and conduct of said defendants, as hereinafter alleged, were intentional, harassing and/or retaliatory, were not related to personnel actions and were neither a risk, an incident, nor a normal part of plaintiff's employment. To the extent such actions by defendants were related to employment, such conduct was in violation of written or implied employment contracts, MOUs, policies, procedures or otherwise wrongful

and/or illegal.

8. Plaintiff is further informed and believes that at all times relevant hereto, each of the defendants and the fictitiously named defendants acted in concert and in furtherance of each others interest.

9. Plaintiff MARTINEZ has exhausted all administrative remedies. On or about May 1, 2014, a complaint was filed with the Department of Fair Employment and Housing, which issued an immediate right to sue. A true and correct copy of the complaint and Right to Sue is attached hereto as exhibits "1". On or about October 14, 2014, a Government Claim was filed with the City of San Bernardino. A true and correct copy of the Government Claim is attached hereto as exhibit "2".

#### **FACTS APPLICABLE TO ALL CLAIMS**

10. MARTINEZ is a Latina. Like other similarly situated Latinas, MARTINEZ was subjected to harassment and disparate treatment from Defendants, and forced to endure discriminatory and harassing statements from defendants.

11. MARTINEZ is a Police Officer with the San Bernardino Police Department. She started her employment on March 21, 2006. As an employee, Martinez has received awards from the Department including the Medal of Valor in 2011, DUI/MADD for 2013, two Grand Theft Auto pins, six master pins and a sharp shooter commendation.

12. Plaintiff complained to Lieutenant Dario Robinson and Lieutenant Micheal Madden about the harassment she received from a supervisor in 2008. Specifically, Sergeant Kim Hearn would make comments about her body, and when Plaintiff rebuffed Hearn's advances he filed complaints against Plaintiff with Internal Affairs.

12. Plaintiff was also sent text messages containing visual images of male private parts, propositioned for sex by her supervisors, and being subject to sexually explicit comments about her body. After Plaintiff complained about the hostile work environment, the defendants took no action to prevent the continued harassment.

12. After Plaintiff complained of harassment in 2008, she was subjected to numerous retaliatory adverse actions, including, without limitation, numerous bogus Internal Affairs (IA) complaints, a lack of promotional opportunities and a notice of intent to terminate.

13. As a direct and legal result of the actions of the defendants and each of them plaintiff suffered with economic and non economic damages in a sum according to proof and in excess of the minimum jurisdiction of the Superior Court. Plaintiff further has incurred and/or will incur litigation costs and attorneys fees in a sum according to proof. These damages, harm and injuries were caused by the actions of the defendants and each of them.

**FIRST CAUSE OF ACTION FOR HARASSMENT  
AGAINST DEFENDANT CITY OF SAN BERNARDINO.**

14. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if realleged herein.

15. Defendant CITY's employees, on multiple occasions, engaged in unwelcome and unsolicited comments and actions of a sexual nature against MARTINEZ.

16. Beginning in 2008 and continuing until the present, MARTINEZ was subjected to regular and frequent sexual harassment from supervisors and co-workers.

17. For instance, MARTINEZ was regularly told by Defendant's employees: (a) "I like your sexy body, I want to fuck you and put it in your ass," (with various permutations); (b) "have you ever been with a black guy, because I have a big black dick that would change your mind" (with various permutations); (c) various comments about her breasts; (d) she should be a prostitute; (e) she would make more money as a hooker; (f) sexual comments about plaintiff's nipples.

18. Beginning in 2008 and continuing until the present, Plaintiff was subjected to offensive touching of her body.

19. These comments and others are of a continuing and frequent nature and continued to within less than one year of the filing of plaintiff's DFEH complaint.

20. Additionally, Defendants, frequently and on a continuous basis, made unwanted comments to MARTINEZ about her Hispanic origin, including but not limited to: (a) plaintiff's hair ties as a "chola hair piece"; (b) plaintiff should become a border patrol officer because, "you have the look, she would fit right in;" (c) "Chola;" (d) "ghetto LA girl;" (e) "Chunti;" (f) "Paisa;" (g) "Wetback."

21. Further, Plaintiff has been ridiculed by officers and supervisors of the San Bernardino police



1 department for her accent, the manner in which she wears her hair, and the type of clothing she  
2 wears.

3 22. Additionally, Plaintiff has also been subjected to inappropriate comments made to other San  
4 Bernardino police officers. For instance, Officer Araceli Mata, another Hispanic female officer,  
5 was asked, while pregnant, if "this was her tenth kid". Additionally, another officer referred to a  
6 child of black and Hispanic descent as "Trayvon," referencing Trayvon Martin.

7 23. Supervisors were well aware of the harassment. In fact, a captain stated, "Some people like to go  
8 after the low hanging fruit." Yet, the captain refused to prevent the continued harassment.

9 24. On or about March 2014, Plaintiff was transferred from her shift. Plaintiff's supervisor became  
10 Sergeant Shauna Gates. On various occasions, Sgt. Gates would ask, "Why am I getting in trouble  
11 for Todd sticking his dick in Sochi?" Further, Sgt. Gates inquired into Plaintiff's relationship with  
12 Sergeant Ziegler, and how serious they were. Sgt. Gates told plaintiff that she "needed to fix her  
13 messed up reputation." Sgt. Gates stated that Lt. Walker hated Gates because she did not sleep  
14 with him. Gates then inquired as to whether Walker had propositioned MARTINEZ for sex.

15 25. Further, other officers made sexually derogatory comments in light of the transfer. For instance,  
16 one officer stated, "Hey Sochi, what are you going to do now that you have a new sergeant and  
17 she is Gates, you can't screw this sergeant, but if you do take a video and show it to all of us."

18 26. The severe and pervasive comments by Defendants were uninvited, unwanted, unwelcome and  
19 unreasonably interfered with MARTINEZ's work environment, creating an offensive working  
20 environment.

21 27. As a direct and legal result of the actions of defendants and each of them, plaintiff was harmed,  
22 damaged and injured, and will likely suffer future harm, damages and injuries including without  
23 limitation general (non economic) and special (economic) damages, attorneys fees, litigation costs  
24 and such further damages and harms as presented at trial, and in a sum exceeding the minimum  
25 jurisdiction of the Superior Court.

26 **SECOND CAUSE OF ACTION FOR DISCRIMINATION**

27 **AGAINST DEFENDANT CITY OF SAN BERNARDINO.**

28 28. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this

reference with the same effect as if realleged herein.

29. Defendants treated plaintiff worse and differently because of her gender/sex as well as his race/national origin.

30. MARTINEZ, on numerous occasions, has heard San Bernardino officers and supervisors make racially motivated statements directed at her and citizens. Plaintiff has been called a "Chola," and a "ghetto LA girl." Plaintiff has been ridiculed by officers and supervisors of the San Bernardino police department for her accent, the manner in which she wears her hair, and the type of clothing she wears. Plaintiff has been called a "Chunti," "Paisa," and a "Wetback" by fellow officers. Plaintiff has also been subjected to inappropriate comments made to other San Bernardino police officers. For instance, Officer Araceli Mata, another Hispanic female officer, was asked, while pregnant, if "this was her tenth kid". Additionally, another officer referred to a child of black and Hispanic descent as "Trayvon," referencing Trayvon Martin.

31. Plaintiff suffered various adverse employment actions, including but not limited to, additional scrutiny of her work; write-ups that were not warranted; training forms; removed from honor guard; removed from explorer program; denied numerous speciality assignments; and denied ability to promote to other higher ranking assignments and pay.

32. In stark contrast, males and/or non-Latinos were not subject to increased scrutiny, did not receive unwarranted write-ups; were not given training forms; placed in honor guard; placed in the explorer program; given speciality assignments; given promotions; and given prestigious or high-ranking assignments.

33. MARTINEZ's gender and race/national origin was a motivating reason for the adverse employment action(s).

34. Plaintiff suffered general and special damages, costs, attorneys fees, and lost interest as a direct and legal result of the conduct of defendants and each of them.

### THIRD CAUSE OF ACTION FOR FEHA RETALIATION

#### AGAINST CITY OF SAN BERNARDINO

35. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if realleged herein.

- 1 36. Plaintiff complained about harassment by Defendants, and a formal complaint was brought by  
2 plaintiff in August 2008.
- 3 37. Plaintiff was never interviewed by defendants in connection with her claims of harassment, in  
4 particular against Sergeant Hearn. Instead, Plaintiff was ordered to write each incident of  
5 harassment and discrimination in the form of a memorandum. Plaintiff's memorandum was given  
6 to internal affairs. Two weeks after Plaintiff submitted the memorandum, she was served with a  
7 Notice of Intent to Terminate.
- 8 38. In 2010, the notice of intent to terminate was rescinded in a *Skelly* hearing before a new chief of  
9 police, but still received an unwarranted reprimand.
- 10 39. In 2014, Hearn escorted plaintiff to her unit to retrieve her equipment and stated he was taking  
11 this action because plaintiff had filed a claim. Hearn's actions were atypical.
- 12 40. After filing her complaint, Plaintiff suffered various adverse employment actions, including but  
13 not limited to, additional scrutiny of her work; write-ups that were not warranted; training forms;  
14 removed from honor guard; removed from explorer program; denied numerous speciality  
15 assignments; and denied ability to promote to other higher ranking assignments and pay.
- 16 41. As a direct and proximate cause of defendants' conduct the plaintiff suffered damages as alleged  
17 herein, in a sum in excess of the minimum jurisdiction of this court and to be proven at time of  
18 trial.

19 **FOURTH CAUSE OF ACTION**

20 **FOR VIOLATION OF THE PEACE OFFICERS BILL OF RIGHTS (POBR)**

21 **AGAINST DEFENDANT CITY OF SAN BERNARDINO**

- 22 42. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this  
23 reference with the same effect as if realleged herein.
- 24 43. All peace officers in the State of California are entitled to protection under the POBR.
- 25 44. The POBR provides Due Process protection by virtue of a peace officer's position, and entitled to  
26 protection under the Peace Officers Bill of Rights found in California Government Code Section  
27 3300 et seq. and by common law. (For example, discipline (*i.e.* termination) without providing  
28 procedural safeguards violates *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, 215, which

specifically provides that:

[D]ue process does mandate that the employee be accorded certain procedural rights before the discipline becomes effective. As a minimum, these pre-removal safeguards must include notice of the proposed action, the reasons therefor, a copy of the charges and materials upon which the action is based, and the right to respond, either orally or in writing, to the authority initially imposing discipline. *Id.*

45. The POBR's safe guards include how many individuals may interrogate an officer, the information that an accused is entitled to receive and other procedural protections. Defendants and each of them wilfully violated the POBR.

46. On or about June 2014, Plaintiff was called into supervisor's office and forced to give a statement. Plaintiff was under investigation, and subject to questions that could lead to punitive measures.

47. Plaintiff asked for a representative, but was denied one. Plaintiff asked if she could leave, but was ordered to answer her supervisor's questions and provide a statement.

48. Thus, Defendants violated section 3303 of the Government Code.

49. When a police agency violates the POBR, employees are entitled to civil penalties, attorneys fees, costs and damages, all of which plaintiff seeks.

#### **FIFTH CAUSE OF ACTION**

#### **FOR FAILURE TO TAKE CORRECTIVE ACTION**

#### **AGAINST DEFENDANT CITY OF SAN BERNARDINO.**

50. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if realleged herein.

51. Defendants had an obligation to take corrective action to prevent further harassment of its employees, but failed to do so in violation of California *Government Code* Section 12940(k) and other applicable portions of the *Government Code*. Defendants failed to conduct proper investigations, implement proper policies to prevent discrimination, harassment or retaliation, and failed to properly punish those who engaged in misconduct to deter further such actions in the future.

52. Numerous City officials were aware that MARTINEZ was being targeted with harassment, retaliation, and/or discrimination. Yet, City officials chose to take no corrective action and

1 attempted to fire MARTINEZ instead of taking appropriate action, as required by law. The  
2 conduct of defendants is more egregious because of prior complaints of harassment, which  
3 defendants failed to take corrective action.

4 53. Recently, Plaintiff returned from disability leave after being placed off of work by her doctor for  
5 stress related to her continued harassment at the City of San Bernardino. Immediately, upon her  
6 return to work, Martinez was subject to retaliation by Sergeant Beall who counseled Plaintiff for  
7 an alleged report writing issue.

8 54. Whether the department is advised of sexual harassment, racial harassment or other violations of  
9 law (e.g. civil rights, equal protection, FEHA) the police department has an obligation to protect  
10 the public trust as well as a legal obligation to investigate claims of discrimination, harassment or  
11 retaliation and then take corrective action. Once defendants demonstrate a policy and practice of  
12 indifference to any type of discrimination, harassment or retaliation, it sends a message to  
13 members of the San Bernardino police department that discrimination, harassment or retaliation  
14 are acceptable in the police department, creating a situation where employees of the San  
15 Bernardino Police Department are more likely to become victims of discrimination, harassment or  
16 retaliation. Thus, defendants have failed in their obligations to take corrective action and prevent  
17 further discrimination, harassment or retaliation .

18 55. Plaintiff complained about the harassment she has received from numerous officers and  
19 supervisors. After Plaintiff filed her complaint, she suffered adverse actions, including greater  
20 scrutiny, bogus investigations, written reprimands, failure to promote, and denial of assignments.

21 56. As a direct and legal result of the actions, and failures to act by defendants toward plaintiff,  
22 plaintiff lost earnings, earning opportunities, incurred medical bills, hospital bills or other types of  
23 expenses. Plaintiff lost other benefits of employment, incurred attorneys fees and litigation costs  
24 and has incurred or will in the future likely suffer from other special and general damages in a  
25 sum according to proof and in excess of this courts jurisdiction, as well as damage to his  
26 reputation.

27 WHEREFORE , plaintiff prays for the following:

28 1. Special/economic damages, including without limitation, loss of earnings and back pay including

1 any increased tax liability thereon;

2 2. Loss of future earnings, promotions, opportunities to promote, front pay and all other  
3 employment benefits, such as pension rights;

4 3. All other lost pension, insurance and other employment benefits;

5 4. Medical, hospital and psychological bills, including past, present and future bills;

6 5. General damages/non economic damages;

7 6. Litigation costs;

8 7. Attorneys fees;

9 8. Interest;

10 9. Civil Penalties

11 10. Damages for increased income tax payments as a result of receiving compensation in one lump  
12 sum, rather than spread out over time, which increases the percentage at which plaintiff will be  
13 taxed; and

14 11. Any other relief or damages allowed by law, or statutes not set out above and such further relief  
15 as the Court deems just and proper at conclusion of trial.

16  
17 Dated: October 14, 2014

LAW OFFICES OF GOLDBERG & GAGE &  
THE HORTON LAW GROUP APC

18  
19 By: 

20 Bradley C. Gage

21 Milad Sadr

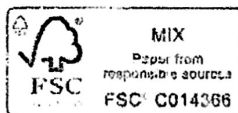
22 Peter J. Horton

23 Attorneys for Plaintiff

24 O:\M\MARTINEZ-SOCHI\PLEADING\complaint\Martinez complaint final.wpd



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STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

DIRECTOR PHYLLIS W. CHENG

## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | Videophone 916-226-5285 | TTY 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

May 01, 2014

Sochilt Martinez

c/o: Law Offices of Goldberg Gage 23002 Victory Blvd.  
Woodland Hills, CA 91367

**RE: Notice of Case Closure and Right to Sue**

DFEH Matter Number: 244415-103898-R

Right to Sue: Martinez / City of San Bernardino Police Department,

Dear Sochilt Martinez:

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 01, 2014 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

**This letter is also your Right to Sue notice.** According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

Enclosures

cc: City of San Bernardino Police Department



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

DIRECTOR PHYLLIS W. CHENG

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800-884-1684 | Videophone 916-226-5285 | TTY 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

May 01, 2014

**RE: Notice of Filing of Discrimination Complaint**

DFEH Number: 244415-103898-R

Right to Sue: Martinez / City of San Bernardino Police Department

To All Respondent(s):

Enclosed is a copy of an complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

**No response to DFEH is requested or required.**

Sincerely,

Department of Fair Employment and Housing

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE  
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**DFEH NUMBER  
244415-103898-RCOMPLAINANT  
Sochilt Martinez

NAMED IS THE EMPLOYER, PERSON, AGENCY, ORGANIZATION OR GOVERNMENT ENTITY WHO DISCRIMINATED AGAINST ME

RESPONDENT	ADDRESS	PHONE
City of San Bernardino Police Department	710 North D Street San Bernardino CA 92401	(909) 384-5742

NO. OF EMPLOYEES	MOST RECENT DISCRIMINATION TOOK PLACE	TYPE OF EMPLOYER
0	May 01, 2014	

CO-RESPONDENT(S)	ADDRESS
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## COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH NUMBER  
244415-103898-R

I ALLEGE THAT I EXPERIENCED	Discrimination, Harassment, Retaliation
ON OR BEFORE	May 01, 2014
BECAUSE OF MY	Association with a member of a protected class, Disability, Engagement in Protected Activity, National Origin - including language use restrictions, Other Medical Condition
AS A RESULT, I WAS	Asked impermissible non-job-related questions, Denied a work environment free of discrimination and/or retaliation, Other Harassed, discriminated against, retaliated, and harmed.

### STATEMENT OF FACTS

The City of San Bernardino failed to take corrective action, and allowed improper comments.



## COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH NUMBER  
244415-103898-R

### SIGNED UNDER PENALTY OF PERJURY

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right to sue. I understand that if I want a federal right to sue notice, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure and Right to Sue," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint, I am declaring under penalty of perjury under the laws of the State of California that, to the best of my knowledge, all information contained in this complaint is true and correct, except matters stated on my information and belief, and I declare that those matters I believe to be true.

Verified by Sochilt Martinez, Complainant, and dated on May 01, 2014 at Woodland Hills, CA.

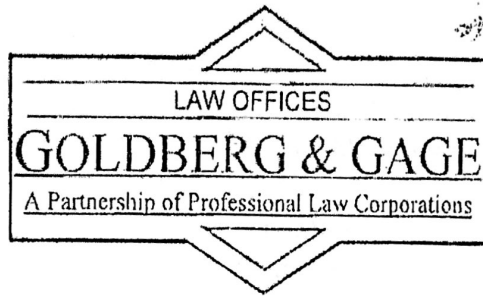


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Terry M. Goldberg\*

Milad Sadr



Bradley C. Gage\*

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23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088

Email: [tgoldberg@goldbergandgage.com](mailto:tgoldberg@goldbergandgage.com)

Email: [bgage@goldbergandgage.com](mailto:bgage@goldbergandgage.com)

October 14, 2014

**Via Certified Mail, Return Receipt Requested**

7013 3020 0000 0132 8347

City of San Bernardino Clerk's Office  
City Hall  
300 North "D" Street  
San Bernardino, CA 92418

Re: **Government Claim of Sochilt Martinez**

Dear Sir or Madam:

Please consider this a notice of governmental claim, and to the extent any such claims are more than six months old, as an application for a late claim pursuant to California Government Code, Section 911.4. To the extent applicable, please also consider this a supplemental governmental claim.

**A. NAME OF THE CLAIMANTS:**

Sochilt Martinez

**B. ADDRESS TO SEND ALL NOTICES:**

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

**C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:**

Retaliation, discrimination, harassment under the Fair Employment and Housing Act  
Whistle Blower Retaliation  
Violation of Police Officer's Bill of Rights.  
Bane Act

All peace officers in the State of California are entitled to protection under the POBR. The POBR provides Due Process protection by virtue of a peace officer's position, and entitled to protection under the Peace Officers Bill of Rights found in California Government Code Section 3300 et seq. and by common law. (For example, discipline (i.e. termination) without providing procedural safeguards violates *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194,

215. The POBR's safe guards include how many individuals may interrogate an officer, the information that an accused is entitled to receive and other procedural protections. Defendants and each of them wilfully violated the POBR.

On or about June 2014, Plaintiff was called into supervisor's office and forced to give a statement. Plaintiff was under investigation, and subject to questions that could lead to punitive measures. Plaintiff asked for a representative, but was denied one. Plaintiff asked if she could leave, but was ordered to answer her supervisor's questions and provide a statement. Thus, Defendants violated section 3303 of the Government Code.

**D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.**

General, special (economic and non economic) damages and punitive including without limitations: damages for potential medical treatment; psychological treatment; psychiatric treatment; loss of earnings opportunities and future earning opportunities; loss of reputation; embarrassment and humiliation. Attorneys fees, and future attorneys fees, litigation costs and experts charges all in a sum to be proven at time of trial and such other damages as presented at trial. Plaintiff also suffered job loss, lost opportunities, retaliation preventing him from other job opportunities. Lost reputation, damages to reputation, and lost interest and such other damages as determined at time of trial.

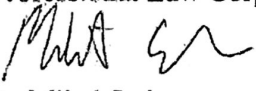
**E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:**

City of San Bernardino Police Department command staff and IA investigators.  
Discovery continuing.

**F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS \$10,000 AND JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.**

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,  
Law Offices of Goldberg & Gage  
A Partnership of Professional Law Corporations

  
By Milad Sadr

LAW OFFICES  
**BERG & GAGE**  
 p of Professional Corporations

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 AND HILLS, CA 91367



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